

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:18-CR-75-D

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.)
)
CHARLIE RAY SUTTON,)
)
)
Defendant.)

ORDER

On July 30, 2019, defendant, through counsel, moved for a competency evaluation pursuant to 18 U.S.C. § 4241 [D.E. 27]. On July 31, 2019, this court granted the motion [D.E. 29]. On December 6, 2019, Magistrate Judge Gates held a competency hearing [D.E. 41, 45]. On January 21, 2019, Judge Gates issued a Memorandum and Recommendation (“M&R”) and recommended that the defendant be found: (1) not presently to be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and (2) therefore to be competent to proceed in this case. See [D.E. 46]. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b)(1). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 46].

In sum, the court finds that Charlie Ray Sutton is not presently to be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense and is competent to proceed in this case.

SO ORDERED. This 13 day of February 2020.

J. Dever
JAMES C. DEVER III
United States District Judge